

Law and legal issues in international disaster response: a desk study

Appendix 3

3

in foreign countries or in the respondent's own territory. Some of the target groups were also asked for assistance in assessing and compiling relevant national law. Respondents were invited to answer the questions "officially" on behalf of their government or organization (as appropriate).

The questionnaires were distributed by both regular and electronic mail to all governments (where possible, through their permanent missions in Geneva) and all national Red Cross and Red Crescent societies. All major humanitarian agencies of the United Nations, members of the largest humanitarian NGO networks (including the International Council of Voluntary Agencies (ICVA), VOICE and Interaction), and 25 private companies were also directly solicited for responses. Humanitarian organizations were solicited with specific questionnaires for the headquarters level, regional offices and field offices in selected disaster-prone countries. For the sake of convenience, all non-Red Cross/Red Crescent humanitarian organizations were grouped together and called "international humanitarian organizations" (hereinafter "IHOs") for the purposes of the survey.

In order to maximise the number of responses, the International Federation took the following steps:

- sought the support of governments and individual heads of humanitarian agencies/organisations by sending a letter to them from the Federation Secretary-General
- sought the support of the Inter-Agency Standing Committee Working Group members
- presented the questionnaire to permanent missions in Geneva;
- disseminated information at Red Cross/Red Crescent Council of Delegates and General Assembly meetings
- advertised on the Reliefweb and International Federation websites
- called upon International Federation field offices and national societies to bring the questionnaire to the attention of the government and international humanitarian agencies in their respective countries and
- encouraged participants in all regional IDRL forums organized in 2006 and 2007 were also invited to respond to the questionnaire.

Although the deadline for completion was initially set for early 2006, responses continued to be received through mid-2007.

## 1.2 The response

The International Federation received 118 usable responses to its questionnaires, including 35 governments, 51 national Red Cross and Red Crescent societies, 36 IHOs (mostly NGOs, but also 4 UN agencies and the International Organization for Migration) with some overlap between headquarters, regional and field offices, and one private company (for the full list of respondents, see Annex A to this report).

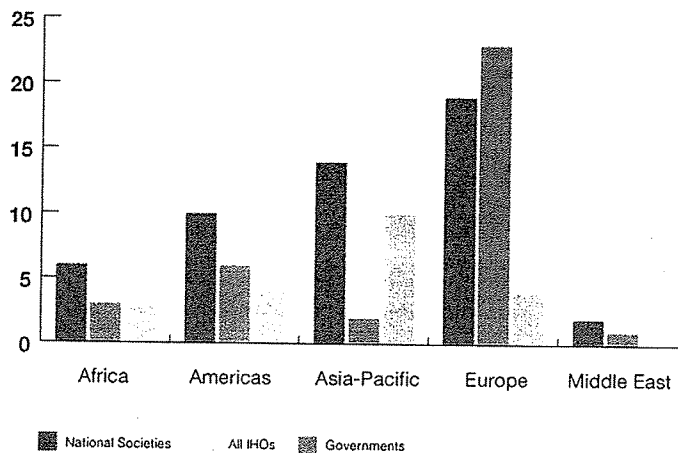
Unfortunately, responses from governments and national societies were not very geographically representative. Particularly among governments, there was a large predominance of replies coming from Europe. Also, many of the governments and national societies that are most active in international relief activities did not respond,

International Federation of Red Cross and Red Crescent Societies  
**Appendix 3**

while some of those that did return completed questionnaires had very little experience of international disaster operations, either abroad or in their own countries. Accordingly, it is likely that the overall figures reported here for governments and national societies understate the degree to which those active in the field encounter the problems discussed. This may partially explain some of the disparities between the responses of IHOs and national societies.

It is also unfortunate that only one private company provided a full response. Accordingly, no conclusions about the experience of the private sector can be drawn here, although relevant responses from that survey have been included in the overall results.

**Regional distribution of respondents**



Still, in light of the complexity of the topics addressed and the consequently complicated internal review process many governments and agencies needed to undertake to respond, the overall level of participation was quite positive. There was, in particular, a good cross-section of NGO respondents, including both large and small organizations and NGOs specialized in a number of different sectors.

## **2. Issues in international disaster response**

### **2.1 Legal and bureaucratic challenges**

Each category of respondent<sup>2</sup> reported legal and bureaucratic challenges in international relief operations. IHOs reported the most such problems, particularly their headquarters offices, which drew on experiences of disaster operations around the world.

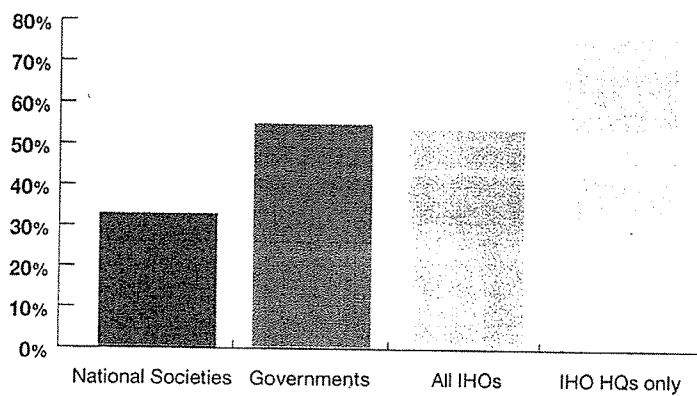
<sup>2</sup> Note that not every respondent answered each question posed. Percentage reported here have been tallied counting only those respondents who answered the question at issue.



### 2.1.1 Entry problems

A significant number of respondents reported difficulties obtaining entry of relief personnel, goods and equipment into disaster-affected states. Surprisingly, this was true even of governments, over half of which reported having experienced entry issues with personnel or materials when seeking to assist other states.

Problems with the entry of personnel



Nearly half (48 per cent) of all respondents reported problems obtaining entry permission (such as visas) for their relief personnel. Somewhat counter-intuitively, governments reported such problems more often for civilian (55 per cent) than military personnel (38 per cent). For both categories, nearly one-fifth (19 per cent for civilian, 17 per cent for military) of governments who answered stated these problems always or frequently occurred. The figures for all IHO respondents (i.e., headquarters, regional and field offices taken together) were similar (54 per cent experienced at least infrequently), but 77 per cent of IHO headquarters offices reported having had such problems at least infrequently.

Thirty-three percent of national societies reported having had visa problems at least once, but none said they were frequent. Several noted that any initial blockages they encountered were quickly solved due to the mediation of the host national society and/or the International Federation.

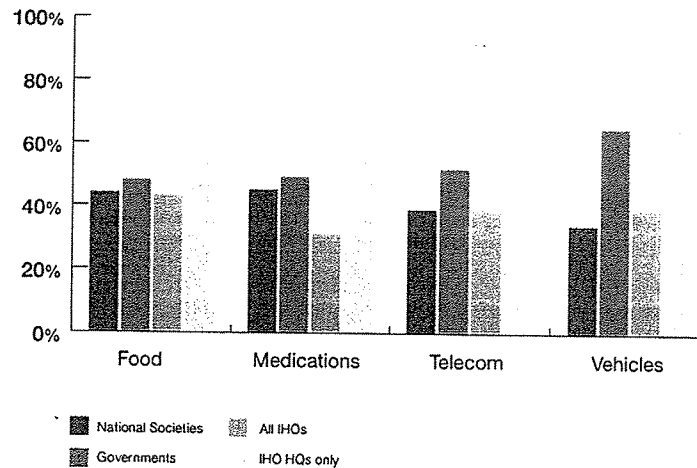
With regard to relief goods and equipment: food, medications, ground vehicles and telecommunications articles encountered the most problems with customs. Over 40 per cent of all respondents had had problems at some point importing these items, and the figures were substantially higher for IHO headquarters, as indicated on the chart below. Problems cited included delays as well as prohibitive duties and tariffs.

Customs problems were most frequent with telecommunications equipment. Twenty-three percent of all respondents and 40 per cent of IHO headquarters stated such problems were always or frequently present.

## International Federation of Red Cross and Red Crescent Societies

## Appendix 3

Problems with the entry of goods and equipment



A number of respondents made particular note of the special complexities in importing medications. One government respondent stated that a shipment of medications was blocked for weeks by a tsunami-affected country. Another found that pain-relievers could not be legally imported in a country affected by a major earthquake, making it difficult to treat wounded patients. Other respondents found that medications could not be imported to certain countries unless they had been previously registered there or could not be domestically produced.

National Societies noted not only problems in obtaining entry of relief items provide for relief in foreign states, but also difficulties in receiving internationally-donated items to respond to disasters in their own countries. The most important of these were with medications (for which 40 per cent reported having encountered some importation problems and 12 per cent stated that they occurred frequently or always), vehicles (35 per cent at least infrequently and 14 per cent always or frequently) and food (33 per cent at least infrequently and 8 per cent always or frequently).

Respondents also indicated varying degrees of difficulty in importing other relief items. Governments were the most affected by problems with the entry of ships (33 per cent), aircraft (civilian 37 per cent, military 40 per cent) and sniffer dogs (35 per cent). Issues with foreign currency were most frequently reported by IHO headquarters (67 per cent).

Respondents were asked to estimate the most common time period when entry-related problems arose. Responses varied considerably, but most reported that they occurred in the first several weeks after the disaster.